

Claim Rejections Under 35 U.S.C. §103

Claims 1-8, 12-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,499,294 to Friedman ("Friedman") in view of U.S. Patent No. 5,875,249 to Mintzer et al. ("Mintzer"). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Friedman in view of Mintzer in further view of U.S. Patent No. 5,799,082 to Murphy et al. ("Murphy"). Claims 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Friedman in view of Mintzer and in further view of U.S. Patent No. 5,335,072 to Tanaka et al ("Tanaka"). Applicant respectfully traverses the rejections.

Claim 1 is directed to an image capturing system that comprises means for watermarking a plurality of parameters into a digital image. The parameters that are watermarked are parameters that are automatically recorded upon capturing an image and are associated with the image. Such parameters include, for example, data that is transmitted from an object that is being photographed via wireless means. For instance, in exemplary embodiments, the wireless means comprises an IR processor or RF processor for communicating with an object in a scene being photographed so as to obtain and record information such as the name or identity of the object being photographed (see, e.g., page 9, line 23 - page 10, line 6, of Applicants' specification.)

Furthermore, such watermarked parameters include data associated with a user of the system when said digital image is generated. For instance, in one exemplary embodiment described on page 9, lines 10-22 of Applicants' specification, a Personal Area Network (PAN) receiver can be employed to automatically transfer data (e.g., user identity) associated with the user to the image capturing system.

To establish a prima facie case of obviousness, at the very least, the combination of Friedman and Mintzer must teach or suggest all the claim elements. Here, the combination of Friedman and Mintzer is legally deficient because the combination does not teach or suggest all the elements of claim 1. For instance, although Friedman arguably discloses a digital camera that records certain data, e.g., time and date, Applicants find nothing in Friedman (nor does Examiner explicitly point to anything in Friedman) that discloses or suggests an image capturing system comprising an information receiving means, operatively coupled to said central processing unit, for receiving data associated with a user of said system when said digital image is generated, as claimed in claim 1.

Further, although Friedman arguably discloses a GPS receiver for obtaining geographical coordinates, Applicants find nothing in Friedman that discloses or suggests a wireless communication means for receiving data from objects in an observed image frame when the image is generated, as contended in the Office Action. Further, although Friedman arguably discloses acoustic or infrared means for range finding to obtain distance data, this is fundamentally different than capturing data that is transmitted from an object being photographed.

Further, it is respectfully submitted that the combination of Friedman and Mintzer does not disclose a method for watermarking a plurality of recorded parameters in an image, much less watermarking recorded parameters such as those discussed above. Indeed, as acknowledged in the Office Action, Friedman does not disclose means for watermarking a plurality of parameters into the image. Furthermore, Mintzer does not cure the deficiencies of Friedman. Although Mintzer discloses watermarking, Mintzer expressly discloses watermarking trademarks

and graphic symbols, but does not expressly disclose watermarking recorded camera parameters such as those discussed above.

Therefore, for at least all the above reasons, the combination of Friedman and Mintzer is legally deficient to sustain a rejection of claim 1 under 35 U.S.C. 103(a). Further, claims 2-8 and 12 depend from claim 1 and are, thus, believed to be patentable over the combination of Friedman and Mintzer for at least the reasons given above for claim 1.

Further, since claims 9, 10 and 11 depend from claim 1, the rejection of claim 9 under 35 U.S.C. §103(a) over the combination of Friedman, Mintzer and Murphy, as well as the rejection of claims 10-11 under 35 U.S.C. §103(a) over the combination of Friedman, Mintzer and Tanaka, is legally deficient for at least the reasons given above for claim 1. Indeed, neither Murphy nor Tanaka cures the deficiencies of Friedman and Mintzer in that neither Murphy nor Tanaka discloses or suggests, for example, information receiving means for receiving data associated with a user of said system when said digital image is generated, much less a wireless communication means for receiving data from objects in an observed image frame when the image is generated, as essentially claimed in claim 1.

Next, with respect to the rejection of claims 13 and 18 under 35 U.S.C. §103(a) as being unpatentable over Friedman and Mintzer, it is respectfully submitted that the combination of Friedman and Mintzer is legally deficient because, as noted above for claim 1, the combination of Friedman and Mintzer does not disclose a method for watermarking a plurality of recorded parameters in an image. Indeed, as acknowledged in the Office Action, Friedman does not disclose means for watermarking a plurality of parameters into the image. Furthermore, although Mintzer discloses watermarking, Mintzer expressly discloses watermarking trademarks and graphic symbols, but does not expressly disclose watermarking recorded camera parameters.

Furthermore, with respect to claim 18 (as well as claims 2 and 3), given the acknowledgement on page 7, paragraph 1, of the Office Action that neither Friedman nor Mintzer explicitly discloses means for specifying or determining which of the plurality of parameters should be recorded or watermarked in the image, it is respectfully submitted that the conclusion that such claimed element is obvious is nothing more than impermissible hindsight.

Thus, for at least the above reasons, claims 13 and 18 are believed to be patentable over the combination of Friedman and Mintzer.

Claims 14-17 depend from claim 13 and are believed to be allowable at least by virtue of their dependence from claim 13. Claims 19-20 depend from claim 18 and are believed to be allowable at least by virtue of their dependence from claim 18.

Accordingly, for at least all of the above reasons, the withdrawal of the rejections of claims 1-20 under §103 is respectfully requested.

Early and favorable consideration of this application is earnestly solicited.

Respectfully submitted,



Frank V. DeRosa
Reg. No. 43,584
Attorney for Applicant(s)

F. Chau & Associates, LLP
1900 Hempstead Turnpike
Suite 501
East Meadow, NY 11554
TEL.: (516) 357-0091
FAX: (516) 357-0092

Marked-Up Version Illustrating Claim Amendments

14. (Amended) The method of claim 13 [14], further comprising the step of recording said measured plurality of parameters associated with each captured image, said extracted parameters being compared with said recorded parameters to authenticate said captured image.

19. (Amended) The method of claim 18 [19], further comprising the step of recording said specified parameters, wherein said recorded parameters are compared with said extracted parameters.